

REMARKS

GENERALLY

Applicant would initially like to thank the Examiner for granting the Interview conducted on April 16, 2003. Please acknowledge the Interview Summary, prepared in accordance with MPEP §713.04, and submitted in conjunction with this response.

This Amendment is responsive to the Office Action of November 17, 2002. Claims 1-39 are pending in this case. As best understood, claims 10-17, and 23-25 are allowed. Claims 1-9, 18-22, and 26-37 are Finally Rejected. Claims 38 and 39 are objected to, however, would be allowable rewritten include all of the limitations of the base claims and any intervening claims.

Applicant respectfully requests issuance pertaining to allowable subject matter. Therefore, please cancel claims 1-9, 18-22, and 26-37 without prejudice. Claim 38 has been rewritten to contain all the limitations of claim 31, and properly depends from claim 10. Claim 39 depends from now allowable claim 38 and is therefore, allowable.

SUMMARY

Based on the above amendments and accompanying remarks, Applicant respectfully submits that all pending claims are in condition for allowance and earnestly solicits a notice thereof. Applicant encourages the Examiner to telephone the undersigned agent if it appears that a telephone conference would facilitate allowance of the application.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on Alexandria, VA

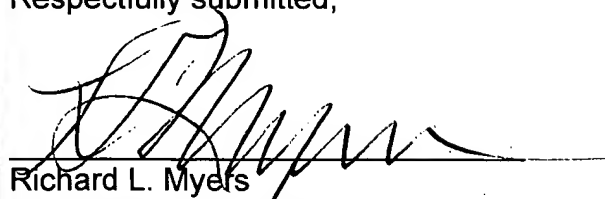
May 14, 2003

by Carolen Merkley

Carolyn Merkley
Signature

May 14 2003

Respectfully submitted,



Richard L. Myers

Registration No. 26,490

Myers, Dawes & Andras LLP

19900 MacArthur Boulevard, Suite 1150

Irvine, CA 92612

(949) 223-9600

Version With Markings To Show Changes Made

In the Claims:

The claims have been amended as follows:

38. The pick combination recited in Claim 1034, and adapted for use by a user having a thumb with a meatus, further comprising:

the pick adapted to be held by the user and to be moved in a contacting and strumming relationship with the strings of the musical instrument;

a thumb sleeve adapted for disposition on the thumb of the user;

attachment means including a first structure carried by the sleeve and a second structure carried by the pick, the attachment means being adapted for releasably attaching the pick to the sleeve;

the attached pick being moveable by the fingers of the user between a first position and a second position spaced from the first position on the meatus of the thumb;

wherein the pick has a generally planar configuration and the combination further comprises:

a pad disposed on the side of the pick opposite the attachment means; and

the pad having a first surface generally parallel to the plane of the pick and a second surface generally non-parallel to the plane of the pick.